

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ORRIA-MEDINA, et al.,

Plaintiffs,

v.

CIVIL NO. 06-1643 (JAG/MEL)

METROPOLITAN BUS AUTHORITY, et al.,

Defendants.

REPORT AND RECOMMENDATION

On April 4, 2007, plaintiffs filed a “Motion Requesting Temporary Restraining Order and/or Preliminary Injunction”. (Docket No. 61.) On April 5, 2007, the court denied plaintiffs’ request for a temporary restraining order and referred the preliminary injunction request to the undersigned for report and recommendation. (Docket No. 62.)

On October 5, 2007, co-defendant Metropolitan Bus Authority filed a Notice of Interlocutory Appeal from the court’s Opinion and Order issued on September 6, 2007. (Docket No. 88.) On May 27, 2008, the Court of Appeals for the First Circuit issued the following judgment: “Upon consideration of appellant’s unopposed motion, it is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed.R.App.P. 42(b) with each party to bear its own costs.” (Docket No. 96.) The judgment was filed in the docket of this case on June 5, 2008. Id.

On August 5, 2008, the court granted the parties until August 19, 2008, to show cause as to why the preliminary injunction request should not be deemed moot. (Docket No. 98.) As of today, neither party has filed any motion in compliance with this order. Therefore, it is recommended that the request for a preliminary injunction (Docket No. 61) be DENIED AS MOOT.

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IT IS SO RECOMMENDED.

The parties have ten (10) days to file any objections to this report and recommendation.

Failure to file same within the specified time waives the right to appeal this order. Henley Drilling Co. v. McGee, 36 F.3d 143, 150-151 (1st Cir. 1994); United States v. Valencia, 792 F.2d 4 (1st Cir. 1986).

San Juan, Puerto Rico, this 20th day of August, 2008.

s/Marcos E. López
U.S. MAGISTRATE JUDGE